

**VIRGINIA BOARD OF NURSING
MINUTES
November 14, 2006**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:12 A.M. on November 14, 2006 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

PRESIDING: Judith E. Piersall, R.N., B.S.N., President

BOARD MEMBERS PRESENT: Lynne M. Cooper, Citizen Member, Vice President
Gregory J. Huber, R.N., M.S.N., Secretary
Linda D. Gross, Citizen Member
Woody B. Hanes, R.N., M.S.N., F.N.P.
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.
Brenda L. Spady, L.P.N.

BOARD MEMBERS ABSENT: Brenda L. Hale, R.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Registry Manager
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Jessica Ressler, R.N.C., M.S.N., Nursing Education Consultant
Jane Elliott, R.N., Ph.D., Discipline Staff
Amy Davis, Administrative Assistant

STAFF ABSENT: Cindy Cochran, R.N., Discipline Case Manager

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Sandra Whitley Ryals, Director, Department of Health Professions
Emily O. Wingfield, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Policy Analyst, Department of Health Professions
Becky Bowers-Lanier
Michelle L. Satterlund

ESTABLISHMENT OF A QUORUM: With twelve (12) members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- New full time Board of Nursing staff:
 - Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Registry Manager
 - Wilma Mullins, Administrative Assistant, Nurse Licensure Compact
 - Gayle Stanley, Receptionist
 - Denikia Clarke, Administrative Assistant
- Board Development Day is scheduled for November 28 and 29, 2006
- Committee of Joint Boards of Nursing and Medicine is scheduled for December 6, 2006. (may be cancelled, further information to follow)

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: Mr. Huber moved to accept the consent agenda which includes:

Minutes:

- September 18, 2006 – Panel – Ms. Piersall
- September 19, 2006 – Board Meeting – Ms. Piersall (revised draft distributed today)
- September 20, 2006 – Board Meeting – Ms. Piersall
- September 20, 2006 – Quorum – Ms. Piersall
- September 20, 2006 – Panel – Ms. Piersall
- September 20, 2006 – Panel – Ms. Cooper
- September 21, 2006 – Panel – Ms. Cooper

Reports:

- Finance Report
- Board of Nursing Monthly Tracking Log-Licensure and Disciplinary Statistics
- Examinations: NCLEX, NNAAP

REPORTS:

Executive Director Report:

Ms. Douglas provided a written report that Dr. Saxby also attended the Governor's Health Reform Commission on Wednesday, October 11, 2006.

Nurse Licensure Compact Report:

Ms. Douglas attended a meeting of the Nurse Licensure Compact Administrators Executive Committee on October 24, 2006 and was provided training for responding to media inquiries regarding the Nurse Licensure Compact.

Citizen Advocacy Center Annual Meeting Report:

Mr. Logan and Ms. Cooper attended the meeting October 17 – 20, 2006 in Williamsburg and provided the following information:

- 35 attendees from Virginia.
- DHP was well represented, Ms. Ryals was a presenter.
- Representatives from 24 states attended.
- Sanction Reference Study presentation was an area of interest to other states.

- Information presented regarding states who perform pre-licensure criminal background checks and fingerprints.
- Some Boards have only citizen members, no professional members.
- Great exchange of information and ideas.

Governor's Advisory Council on the Future of Nursing in Virginia:

Ms. Piersall reported on the recommendations which will be submitted to the Governor's Health Reform Commission. These include to increase nursing graduates and to increase salaries of nursing faculty. Ms. Douglas reported recommendations regarding a workforce center in Virginia will be finalized in the next few weeks and a report will be presented to the Governor's Health Reform Commission as well.

Board of Nursing Visit to Virginia Commonwealth University:

Board members visited the Virginia Commonwealth University School of Nursing and expressed their gratitude to Dr. Selig for the opportunity to observe the simulation lab.

**DIALOGUE WITH
AGENCY DIRECTOR:**

Ms. Ryals addressed the Board regarding the following topics:

- Mission of Department of Health Professions.
- Introduced Emily Wingfield as Chief Deputy Director
- Governor's New Release of 2-1-1 service that will provide the public who do not have internet access a mechanism to locate health professionals and verify licenses.
- Relocation plan of agency.

OTHER MATTERS:

Election of Nominating Committee:

Ms. Piersall announced that Mr. Horn will chair the Committee. Committee members include Mr. Horn, Ms. Spady and Mr. Huber and will meet Wednesday, November 15, 2006 at 8:30 a.m.

Licensed Nurse Practitioner Protocol Update:

Ms. Douglas reported a letter to all licensed nurse practitioners was mailed regarding an audit of continuing education requirements and protocols. One percent of licensees will be audited which will be approximately 40 individuals.

RECESS:

The Board recessed at 10:05 A.M.

RECONVENTION:

The Board reconvened at 10:20 A.M.

POLICY FORUM:

Faye Lemon, Director of Enforcement Division of the Department of Health Professions was present and introduced Sammy Johnson, Deputy Director; Wanda Jackson, Senior Intake Analyst; Shannon Roberson, Intake Analyst; and Ann Tiller, Compliance Case Manager. She presented an overview of the Enforcement Division functions that included the items listed below and addressed questions from the Board.

- Statutory authority §54.1-2506 to investigate.
- Statistics of complaints received FY 05 and FY 06.
- Priority system of A through D assigned to cases.

- Number of complaints increased from FY 05.
- Identified predominate types of complaints.
- Approximately one-half to three-fourths of complaints received are investigated as cases.

OPEN FORUM: No one was present to address the Board.

OVERVIEW OF TRAVEL REGULATIONS: Deborah Pearson, staff with the Finance Department of the Department of Health Professions was present and provided information regarding travel regulation changes effective October 1, 2006 and reviewed sample travel expense reimbursement vouchers. She addressed questions presented by Board members.

PUBLIC HEARING: A public hearing was held to receive comments on proposed amendments to regulations for certified nurse aides. Ms. Piersall stated that written comments on the proposed amendments should be directed to Ms. Douglas, Executive Director of the Board of Nursing or electronic comment can be posted on the Virginia Regulatory Townhall or sent by e-mail. The comment period will close on December 15, 2006. The Board will consider all comments before adoption of final regulations by the Board of Nursing in January 2007. No one was present to address the Board.

OTHER MATTERS CONTINUED: **Medication Aide Program Update:**
Ms. Douglas provided information on the medication aide program, a notice of intent has been published on the Department of Health Professions website to award a contract to PSI, Inc. to provide the medication aide competency examination. A draft medication aide curriculum has been developed. Ms. Cooper moved to table approval of the curriculum until additional information can be obtained and presented at the January 2007 meeting. Dr. Selig and Ms. Cooper requested a practicing pharmacist and Board Counsel review the curriculum. The motion was seconded and approved unanimously. Dr. Selig moved to include allowing medication aides to use EPI pens. The motion was seconded and approved unanimously.

RECESS: The Board recessed at 12:10 P.M.

RECONVENTION: The Board reconvened at 1:15 P.M.

REGULATIONS: **Chart of Board of Nursing Regulatory Actions:**
Ms. Yeatts reviewed the chart of regulatory actions.

Notice of Intended Regulatory Action for Nurse Practitioners Prescribing for Pain Management:
Ms. Yeatts reviewed the information presented to the Board. Mr. Huber moved to adopt a Notice of Intended Regulatory Action to amend the regulations for nurse practitioner's on prescribing for chronic pain management. The motion was seconded and approved unanimously.

Proposed Regulations for 18 VAC 90-30 (Regulations Governing the Licensure of Nurse Practitioners).

Mr. Huber moved to recommend the proposed regulations for replacement of emergency regulations to the Boards of Nursing and Medicine. The motion was seconded and approved unanimously.

Regulations for Regulation of Medication Aides:

Dr. Selig moved to add Licensed Practical Nurse as primary instructor to 90-60-50 (A). The motion was seconded and approved unanimously.

Dr. Selig moved to add Registered Nurse and Pharmacists that do not have three years of experience to 90-60-50 (B). The motion was seconded and approved unanimously.

Mr. Huber moved to adopt the final regulations with amendments. The motion was seconded and approved unanimously.

Mr. Casway recommended the Board examine statutes related to licensed practical nurses as they relate to teaching of medication aides. Staff and Board Counsel will report back to the Board at the next meeting.

OTHER MATTERS
CONTINUED:

Governor's Health Reform Commission:

Ms. Ryals provided information to the Board regarding the work of the Commission. Dr. Harp, Executive Director of the Board of Medicine; Ms. Douglas, Executive Director of the Board of Nursing; Dr. Saxby, Deputy Executive Director, Education of the Board of Nursing; and Ms. Ryals, Director of the Department of Health Professions are serving as staff support to the workforce subcommittee. Specific workforce focus will be nursing, nursing support and medicine. The Commission first met in October and identified the focus areas to include access to care; strengthen long term care; encourage healthier lifestyles; physician and nursing workforce shortages; and the quality and safety of health care.

Board Development Training:

Ms. Douglas distributed the proposed agenda for November 28 and 29, 2006 and suggested the event be held at the Department of Health Professions. A second session will be scheduled in 2007, possibly off-site and will focus on strategic planning. Ms. Gross, Mr. Huber, Ms. Hale, Ms. Ponn and Ms. Spady will not be able to attend in November.

Workforce Issues:

Dr. Saxby provided a copy of the workforce survey from the renewal website. She also provided a copy of the Annual Report of Statistics July 1, 2005 through June 30, 2006.

Scheduling of Informal Conference Dates for 2007:

Ms. Piersall asked Board members to meet with Ms. Mitchell and Ms. Power on Wednesday, November 15, 2006 to establish dates for 2007.

Requests for Accommodation:

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 3:00 P.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of NCLEX modification requests. Additionally, Mr. Huber moved that Ms. Douglas, Dr. Elliott, Ms. Krohn, Ms. Ressler, Dr. Saxby, Ms. Power, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations.
The motion was seconded and approved unanimously.

RECONVENTION: The Board reconvened in open session at 3:10 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Leah Loftin, R.N. Applicant

Dr. Selig recused herself from the discussion due to the fact she has a student/faculty relationship with Ms. Loftin. Ms. Ponn moved to approve the request for Leah Loftin for three hours extended time over one day and a private room to complete the NCLEX-RN.
The motion was seconded and approved. Ms. Piersall, Ms. Cooper, Mr. Huber, Ms. Gross, Ms. Hanes, Mr. Horn, Ms. Lane, Mr. Logan and Ms. Spady were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Steven P. Ward, R.N. Applicant

Ms. Ponn moved to approve the request for Steven Ward for time and one-half and a separate room to complete the NCLEX-RN. The motion was seconded and approved unanimously.

RECESS: The Board recessed at 3:15 P.M.

RECONVENTION: The Board reconvened at 3:32 P.M.

CONSIDERATION OF CONSENT ORDER:

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 3:35 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Mr. Huber moved that Ms. Douglas, Dr. Elliott, Ms. Krohn, Ms. Ressler, Dr. Saxby, Ms. Power, Ms. Mitchell, Ms. Douglas and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:45 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Tonya Campbell, L.P.N. 0002-052547

Dr. Selig moved to accept the consent order for the practical nurse license of Tonya Campbell be indefinitely suspended for not less than two years, with said suspension to be stayed contingent upon receipt of proof that Ms. Campbell has entered into a Recovery Monitoring Contract with the Health Practitioners Intervention Program. The motion was seconded and approved unanimously.

Adam Whitaker, R.N. 0001-189851

Ms. Lane moved to accept the consent order for the registered nurse license of Adam Whitaker be indefinitely suspended, with said suspension to be stayed contingent upon receipt of proof that Mr. Whitaker has entered into a Recovery Monitoring Contract with the Health Practitioners Intervention Program. The motion was seconded and approved unanimously.

Watson A. Sankoh, R.N. 0001-174749

Mr. Logan moved to accept the consent order for the voluntary surrender for indefinite suspension of the registered nurse license of Watson Sankoh for a period of not less than two years. The motion was seconded and approved unanimously.

Nadine Riggs, R.N. 0001-145929

Dr. Selig moved to accept the consent order for the voluntary surrender for indefinite suspension of the registered nurse license of Nadine Riggs. The motion was seconded and approved unanimously.

RECOMMENDATION REGARDING APPLICANTS:

Alice J. Lehouiller, C.N.A. Applicant

Ms. Lehouiller did not appear.

Ms. Cooper moved to deny the application of Alice Lehouiller. The motion was seconded and approved unanimously.

Christine D. Robinson, C.N.A. Applicant

Ms. Richardson did not appear.

Ms. Cooper moved to deny the application of Christine Robinson. The motion was seconded and approved unanimously.

Kowanda L. Richardson, C.N.A. Applicant

Ms. Richardson did not appear.

Mr. Huber moved to deny the application of Kowanda Richardson. The motion was seconded and approved unanimously.

Angela Blithe, C.N.A. Applicant

Ms. Blithe did not appear.

Ms. Hanes moved to approve the application of Angela Blithe and that she be issued an unrestricted certificate to practice as a nurse aide and to issue a reprimand to Ms. Blithe. The motion was seconded and approved unanimously.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 3:55 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:20 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Nancy J. Perrie, C.N.A. 1401-111822
Ms. Perrie did not appear.

Ms. Cooper moved to accept the recommended decision of the agency subordinate that Nancy Perrie be reprimanded. The motion was seconded and approved unanimously.

Lawrence J. Barringer, C.N.A. 1401-107088
Mr. Barringer did not appear.

Ms. Cooper moved to accept the recommended decision of the agency subordinate to suspend Lawrence Barringer's nurse aide certificate, with said suspension stayed upon proof of entry into and not less than six months compliance with a Recovery Monitoring Contract with the Health Practitioners Intervention Program. The motion was seconded and approved unanimously.

Ronald L. Bond, R.N. 0001-097352
Mr. Bond did not appear.

Ms. Jones-Clarke moved to accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Ronald Bond. The motion was seconded and approved unanimously.

Karen Burwell, R.N. 0001-081775
Ms. Burwell did not appear.

Ms. Lane moved to accept the recommended decision of the agency subordinate to indefinitely suspend the registered nurse license of Karen Burwell with said suspension stayed upon proof of not less than six months compliance with a Recovery Monitoring Contract with the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

Sue-Wanna L. Chatman, C.N.A. Applicant

Ms. Chatman did not appear.

Ms. Jones-Clarke moved to accept the recommended decision of the agency subordinate to deny the application of Sue-Wanna Chatman.

The motion was seconded and approved unanimously.

Carol W. Coffield, L.P.N. 0002-062658

Ms. Coffield did not appear.

Ms. Lane moved to accept the recommended decision of the agency subordinate to indefinitely suspend the practical nurse license of Carol Coffield, with said suspension stayed upon proof of not less than six months compliance with a Recovery Monitoring Contract with the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

Osceolia T. Craddock, C.N.A. 1401-053402

Ms. Craddock did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Osceolia Craddock be reprimanded.

The motion was seconded and approved unanimously.

Fannie O. Henson, C.N.A. 1401-085185

Ms. Henson did not appear.

Ms. Jones-Clarke moved to reject the recommended decision of the agency subordinate and refer the case of Fannie Henson to a formal hearing. The motion was seconded and carried. Ms. Piersall, Ms. Cooper, Mr. Huber, Ms. Gross, Ms. Hanes, Mr. Horn, Ms. Lane, Mr. Logan, Ms. Ponn and Ms. Spady were in favor of the motion. Dr. Selig opposed the motion.

Linda H. Luedtke, R.N. 0001-050879

Ms. Luedtke did not appear.

Ms. Hanes moved to accept the recommended decision of the agency subordinate that the professional nursing license of Linda Luedtke be indefinitely suspended.

The motion was seconded and approved unanimously.

Leigh McConaghy, R.N. 0001-077947

Ms. McConaghy did not appear.

Ms. Cooper moved to accept the recommended decision of the agency subordinate to take no action at this time contingent expressly upon Ms. McConaghy's compliance with terms and conditions.
The motion was seconded and approved unanimously.

Barbara E. Price, L.P.N. 0002-041510

Ms. Price did not appear.

Ms. Lane moved to reject the recommended decision of the agency subordinate and refer the case of Barbara Price to a formal hearing.
The motion was seconded and carried. Ms. Piersall, Ms. Cooper, Mr. Huber, Ms. Gross, Ms. Hanes, Mr. Horn, Ms. Lane, Mr. Logan, Ms. Ponn and Ms. Spady were in favor of the motion. Dr. Selig opposed the motion.

Donna C. Stiltner, R.N. 0001-168070

Ms. Stiltner did not appear.

Ms. Jones-Clarke moved to accept the recommended decision of the agency subordinate that the professional nursing license of Donna Stiltner be indefinitely suspended.
The motion was seconded and approved unanimously.

David J. Testa, R.N. 0001-158032

Mr. Testa appeared and provided information to the Board.

Mr. Huber moved to accept the recommended decision of the agency subordinate that the professional nursing license of David Testa be indefinitely suspended with said suspension stayed contingent expressly upon Mr. Testa's entry into and compliance with a Recovery Monitoring Contract with the Health Practitioners Intervention Program.
The motion was seconded and approved unanimously.

EDUCATION PROGRAMS:

Education Special Conference Committee:

The Board considered the recommendations of the Education Special Conference Committee from its meeting on November 14, 2006. Mr. Huber moved to adopt the recommendations. The motion was seconded and approved unanimously.

ADJOURNMENT:

The Board adjourned at 4:30 P.M.

Gregory J. Huber, R.N., M.S.N.
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.

